

REMARKS

The Office Action mailed July 8, 2003 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1 and 3-11 were pending in the application. Claims 1 and 10 have been amended and no claims have been canceled or newly added. Therefore, claims 1 and 3-11 are pending in the application and reconsideration is respectfully requested.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

In the Office Action, claims 1, 4-6, 10, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,465,303 to Levison et al. (hereafter "Levison"). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Levison as applied to claim 1 above, and further in view of U.S. patent 4,186,378 to Moulton (hereafter "Moulton"). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Levison as applied to claim 6 above, and further in view of U.S. patent 6,185,318 to Jain et al. (hereafter "Jain"). Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Levison as applied to claim 1 above, and further in view of U.S. patent 4,210,899 to Swonger et al. (hereafter "Swonger"). Applicants respectfully traverse these rejections, insofar as they may be applied to the pending claims, for at least the following reasons.

Amended claims 1 and 10 recite a user recording unit (or step) that automatically records the input fingerprint only when the fingerprint comparing unit does not identify the input fingerprint. In contrast, the Levison teaches a classification/verification scheme in which a system operator determines whether an unmatched fingerprint needs to be added to the database. See the cited col. 25, lines 3-10 of Levison. That is, Levison does not teach or suggest the claimed fingerprint identification device in which the user recording unit automatically records the input fingerprint only when the fingerprint comparing unit does not identify the input fingerprint.

This difference is significant because of the very different purpose of the claimed invention when compared to the purpose of the Levison system. The claimed invention is

particularly advantageous in that it can be used even when no system operator is present or feasible, for example, when opening a door or starting a car engine. See, for example, page 8, lines 28-34 of the specification. Also, the automatic storing of all unmatched fingerprint data allows for a comprehensive analysis of any malfunction in the claimed fingerprint classification system. In contrast, Levison is directed to a classification of a large database of fingerprints with extensive system operator interaction at, for example, steps 212, 216, 250, 251, 258, and 262 discussed in Figs. 2A-2E and corresponding parts of the specification.

Therefore, neither the structure (or steps) nor the advantages of claimed invention is disclosed by Levison. These deficiencies of Levison are not cured by any of the other applied references. Accordingly, the pending independent claims 1 and 10 are believed to be patentable over the applied prior art.

The dependent claims are also allowable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

In view of the foregoing amendments and remarks, applicants respectfully submit that the application is now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

Respectfully submitted,

Date October 7, 2003

By Aaron C. Chatterjee

FOLEY & LARDNER
Customer Number: 22428
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

Brian J. McNamara
Attorney for Applicant
Registration No. 32,789
Aaron C. Chatterjee
Registration No. 41,398

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.
--